

7047897 - Court - A - Unit
WILLIAM T. BATCHELOR, II
107 CASTLE STREET
ATTORNEY FOR DEBTORS
WILMINGTON, NC 28401

IN RE
TYRONE ALLEN DUBREY
20748 HWY 17 NORTH

HAMPSTEAD, NC 28443
SSN or Tax I.D. XXX-XX-5566

Chapter 13
Case Number: 04-07897-8-JRL

CHANNETA ANN DUBREY
20748 HWY 17 NORTH

HAMPSTEAD, NC 28443
SSN or Tax I.D. XXX-XX-7605

United States Bankruptcy Court
1760 Parkwood Boulevard
Courtroom Room 101
Wilson, NC 27893

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 12/14/2004, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
Eastern District of North Carolina
PO Box 2807
Wilson, NC 27894

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):	Attorney:	Trustee:
TYRONE ALLEN DUBREY	WILLIAM T. BATCHELOR, II	Richard M. Stearns
20748 HWY 17 NORTH	107 CASTLE STREET	P.O. Box 2218
HAMPSTEAD, NC 28443	ATTORNEY FOR DEBTORS	Kinston, NC 28502
-----	WILMINGTON, NC 28401	
CHANNETA ANN DUBREY		
20748 HWY 17 NORTH		
HAMPSTEAD, NC 28443		

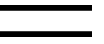
If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: November 19, 2004

Richard M. Stearns
Chapter 13 Trustee
P.O. Box 2218
Kinston, NC 28502

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**



IN RE:

CASE NUMBER: 04-07897-8-JRL

TYRONE A DUBREY

CHANNETA A DUBREY

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on November 15, 2004, or has supplied answers to written interrogatories;
2. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
3. That the Plan proposed by the debtor(s) provides for aggregate payments of \$8,100.00 to be paid as follows:

\$225.00 PER MONTH FOR 36 MONTHS
4. That an analysis of this Plan has been performed by the trustee, a copy of which is attached as exhibit "A" and the trustee is of the opinion that the Plan meets the requirements of 11 U.S.C. §1325 for confirmation;
5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
6. That the claims of secured creditors shall be paid as secured to the extent of the value of the collateral as set out below:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#5 AMERICAN GENERAL	'90 MAZDA	N/A	THE DEBTOR ABANDONS HIS INTEREST IN THE COLLATERAL. THE TRUSTEE WILL NOT PAY THIS CLAIM UNLESS A DEFICIENCY CLAIM IS FILED.

#3 HOMEQ	HOUSE & LAND	N/A	TO BE PAID DIRECT, ARREARS WITHIN 36 MONTHS; IF PROOF OF CLAIM IS TIMELY FILED
#7 PENDER CO TAX COLL	TAXES	\$352.84 SECURED	TO BE PAID WITHIN 36 MONTHS @ 10 ¼% INTEREST

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the Debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief.

7. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims:

NONE

8. That the treatment of claims indicated in paragraphs 6 and 7 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
9. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
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NONE

10. That priority claims shall be paid in full over the term of the Plan;
11. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
12. That confirmation of the Plan vests all property of the estate in the debtor(s);

13. That the attorney for the debtor(s) is requesting fees in the amount of \$500.00. The Trustee recommends to the Court a fee of \$500.00. If the recommended fee is different from that requested an explanation can be found in exhibit 'A.'

RICHARD M. STEARNS

Standing Chapter 13 Trustee

EXHIBIT 'A'

DEBTORS: TYRONE & CHANNETA **CASE NUMBER:** 04-07897-8-JRL
DUBREY

EMPLOYMENT:

Debtor: EDGEMONT STONE GROSS INCOME: \$1,991.80
SUPPLY CO

Spouse: DAVIS HEALTH \$1,758.18
CARE & NURSE

Prior Bankruptcy Yes ☐ No ☒ If so, Chapter filed

cases:

Disposition:

Real Property: House and Lot ☐ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE (JT)

FMV \$45,000.00

Date Purchased

Liens \$65,004.15

Purchase Price

Exemptions \$0.00

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

\$19,890.00

COMMENTS:

Attorney Requested: \$500.00 (excluding filing fee)

Fees: Paid: \$500.00 (excluding filing fee)

Balance: \$ 0.00

Trustee's Recommendation: \$500.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$30,861.51	Pay in	\$8,100.00	Priority	100.00%
Priority	\$1,492.27	Less 10.00%	\$ 810.00	Secured	100.00%
Secured	\$3,967.48	Subtotal	\$7,290.00	Unsecured	7.00%
Unsecured	\$25,401.76	Req. Atty. Fee	\$ 0.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$7,290.00	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review: Yes ☒ No ☐

Payroll Deduction: Yes ☐ No ☒

Objection to Confirmation: Yes ☐ No ☒

Pending:

Resolved:

Motions Filed: Yes ☐ No ☒

If so, indicate type and status:

Hearing Date:

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CERTIFICATE OF MAILING

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Case 04-07897-8-JRL Doc 7 Filed 11/22/04 Entered 11/22/04 09:50:21 Page 7 of 8

CASE: 7047897 TRUSTEE: 54 COURT: 278 Page 1 of 2

TASK: 11-18-2004.00320072.LSA000 DATED: 11/19/2004

Court	United States Bankruptcy Court	1760 Parkwood Boulevard
	Courtroom Room 101	Wilson, NC 27893
Trustee	Richard M. Stearns	P.O. Box 2218
		Kinston, NC 28502
Debtor	TYRONE ALLEN DUBREY	20748 HWY 17 NORTH
		HAMPSTEAD, NC 28443
Joint	CHANNETA ANN DUBREY	20748 HWY 17 NORTH
		HAMPSTEAD, NC 28443
799	000002 WILLIAM T. BATCHELOR, II	107 CASTLE STREET
	ATTORNEY FOR DEBTORS	WILMINGTON, NC 28401
012	000012 CITIFINANCIAL	PO BOX 8020
		SOUTH HACKENSACK, NJ 07606
020	000020 MRS ASSOCIATES, INC.	3 EXECUTIVE CAMPUS, SUITE 400
		CHERRY HILL, NJ 08002
014	000014 CS	18025
		HAUPPAUGE, NY 11788
017	000017 SHELL CITIBANK	PO BOX 41417, DEPT. 99
		PHILADELPHIA, PA 19101
018	000018 NCO FINANCIAL SYSTEMS, INC.	PO BOX 41457
		PHILADELPHIA, PA 19101-1457
013	000013 FBCS	841 HUNTING PARK AVE
		PHILADELPHIA, PA 19124-4824
006	000006 INTERNAL REVENUE SERVICE	INSOLVENCY SUPPORT SERVICES
	320 FEDERAL PLACE RM 335	GREENSBORO, NC 27401-0000
025	000025 BELK CENTER	2801 W. TYVOLA ROAD
	RECOVERY DEPARTMENT	CHARLOTTE, NC 28217-0000
015	000015 CATO	PO BOX 34216
	BANKRUPTCY DEPARTMENT	CHARLOTTE, NC 28234-4216
008	000008 PRIME RATE PREMIUM FINANCE	PO BOX 35229
		CHARLOTTE, NC 28235
005	000005 AMERICAN GENERAL	341 S. COLLEGE ROAD
	CHAPTER 13 RECOVERY	WILMINGTON, NC 28403
011	000011 CITIFINANCIAL	PO BOX 3605
		WILMINGTON, NC 28406-3605
029	000029 COASTAL CAROLINA PATHOLOGY, PA	2606 IRON GATE DRIVE, STE 201
		WILMINGTON, NC 28412
007	000007 PENDER COUNTY TAX COLLECTOR	PO BOX 1047
	CHAPTER 13 BANKRUPTCY	BURGAW, NC 28425-0366
026	000026 DISCOVER CARD	PO BOX 8003
	BANKRUPTCY DEPT.	HILLIARD, OH 43026-0000
019	000019 MRS ASSOCIATES	6530 W. CAMPUS OVAL
		NEW ALBANY, OH 43054
009	000009 WELLS FARGO	4137 121 ST STREET
		URBANDALE, IA 50323
022	000022 BP AMOCO	PO BOX 2547
		WATERLOO, IA 5074
021	000021 THE CBE GROUP	PO BOX 3251
	CHAPTER 13 RECOVERY	MILWAUKEE, WI 53201-3251
024	000024 AD FINANCIAL TRUST 2003-A	5996 W. TOUHY AVENUE
		NILES, IL 60714-4610

CERTIFICATE OF MAILING

0014

Case 04-07897-8-JRL Doc 7 Filed 11/22/04 Entered 11/22/04 09:50:21 Page 8 of 8

CASE: 7047897 TRUSTEE: 54 COURT: 278
TASK: 11-18-2004.00320072.LSA000 DATED: 11/19/2004

Page 2 of 2

030	000030	SEARS ATTN: BANKRUPTCY DEPARTMENT	7920 NW 110TH STREET KANSAS CITY, MO 64153-1270
010	000010	TIBURON FINANCIAL	PO BOX 770 BOYSTOWN, NE 68010
027	000027	LTD FINANCIAL SERVICES	7322 SW FREEWAY STE 1600 HOUSTON, TX 77074
028	000028	PHOENIX SLEEP	PO BOX 13447 SCOTTSDALE, ZA 85267
023	000023	CHASE RECEIVABLES	1247 BROADWAY SONOMA, CA 95476
003	000003	HOMEQ CHAPTER 13 RECOVERY	PO BOX 13716 SACRAMENTO, CA 95853-3716
004	000004	HOMEQ CHAPTER 13 RECOVERY	PO BOX 13716 SACRAMENTO, CA 95853-3716
016	000016	ERS SOLUTIONS	PO BOX 9004 RENTON, WA 98057

33 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 11/19/2004.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 11/19/2004 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail